

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

4 - - - - -X

5 IN THE MATTER OF: :  
6 Songbyrd, LLC. :  
7 t/a Songbyrd :  
8 2477 18th Street N.W. : Case #15-CMP-00599  
9 License #96137 : Show Cause Hearing  
10 Retailer CT :  
11 ANC 1C :  
12 No ABC Manager on Duty :  
13 - - - - - X

14 Wednesday, February 17, 2016

15  
16 Whereupon, the above-referenced matter  
17 came on for hearing at the Alcoholic Beverage  
18 Control Board, Reeves Center, 2000 14th Street,  
19 N.W., Suite 400S, Washington, D.C. 20009.

20  
21  
22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 NICK ALBERTI

6 RUTHANNE MILLER

7 JAMES SHORT

8 MIKE SILVERSTEIN

9 DANETTE WALKER

10

11 ALSO PRESENT:

12

13 LOUISE PHILLIPS,

14 EMILY STEWART,

15 On Behalf of the District of Columbia

16 ALISHA EDMONSEN,

17 Licensee

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1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: We now call Case  
3 No. 15-CMP-00599, Songbyrd, License No. 96137.  
4 Which, will the parties please approach and  
5 identify them self, please?

6 MS. STEWART: Is it afternoon now?  
7 Morning still?

8 Good morning. My name is Emily Stewart.  
9 I'm a Special Assistant Attorney General  
10 representing the Government in this matter.

11 MS. PHILLIPS: Good morning, again.  
12 Louise Phillips, Assistant Attorney General for  
13 the District of Columbia.

14 CHAIRPERSON ANDERSON: And who is going  
15 to do this case?

16 MS. STEWART: I am.

17 CHAIRPERSON ANDERSON: Okay. Go ahead.

18 MS. EDMONSEN: Alisha Edmonsens, owner of  
19 Songbyrd, and manager.

20 CHAIRPERSON ANDERSON: Ms. Edmond?

21 MS. EDMONSEN: Edmonsens. I'm sorry. I  
22 have a cold. I'll try to --

1           CHAIRPERSON ANDERSON: All right. Are  
2 there -- this is a show cause hearing on no ABC  
3 manager on duty. Are there any preliminary  
4 matters in this case?

5           MS. STEWART: There are no preliminary  
6 matters at this time.

7           CHAIRPERSON ANDERSON: Okay. Does the  
8 parties wish to have opening statements?

9           MS. STEWART: I can do a brief opening.

10          CHAIRPERSON ANDERSON: Yes. Go ahead.

11          OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

12          MS. STEWART: We're here today regarding  
13 the establishment, Songbyrd, for a violation of  
14 D.C. Code 25701 during the hours of sale and  
15 service of alcohol, there was no ABC manager on  
16 duty on September 13th, 2015.

17          CHAIRPERSON ANDERSON: Do you wish to  
18 have an opening statement, ma'am?

19          MS. EDMONSEN: I guess.

20          CHAIRPERSON ANDERSON: No, you don't have  
21 to. I mean, you guess. You're going to present  
22 your case --

1 MS. EDMONSEN: Yes.

2 CHAIRPERSON ANDERSON: -- after the  
3 Government does and at that time you can do an  
4 opening statement if you want to.

5 MS. EDMONSEN: Okay. I'll do that.

6 CHAIRPERSON ANDERSON: So you don't have  
7 to that right now. Okay? All right.

8 I just want the record to reflect that  
9 all five members are here. Ms. Ruthanne Miller  
10 who was not here for the earlier session has  
11 joined the Board.

12 All right. Does the Government wish to  
13 call its first witness?

14 MS. STEWART: Yes. We only have one  
15 witness at this time. I'd like to call Ms. Tasha  
16 Cullings.

17 CHAIRPERSON ANDERSON: Hold on one  
18 minute, please. Could you raise your right hand,  
19 please?

20 TASHA CULLINGS, SWORN

21 CHAIRPERSON ANDERSON: You might have a  
22 seat, please. Your witness.

1 MS. STEWART: May I begin?

2 CHAIRPERSON ANDERSON: I did say your  
3 witness. Yes. I'm sorry, yeah.

4 DIRECT EXAMINATION

5 BY MS. STEWART:

6 Q Good morning, Tasha. Could you please  
7 state and spell your name for the record?

8 A Yes. Tasha, T-A-S-H-A, Cullings, C-U-L-  
9 L-I-N-G-S.

10 Q Where are you employed?

11 A The Alcoholic Beverage Regulation  
12 Administration.

13 Q And in what capacity are you employed?

14 A I'm an investigator.

15 Q How long have you been employed in this  
16 capacity?

17 A I've been employed here since July 27th,  
18 2015.

19 Q What are your typical duties as an  
20 investigator?

21 A I typically conduct inspections and  
22 investigations of licensed ABC establishments in

1 the District of Columbia.

2 Q Have you worked as an investigator or in  
3 this similar capacity before your time here?

4 A Yes. I was a police officer for nine  
5 years previously.

6 Q And have you had any other employment  
7 that assists you in your work as an investigator  
8 for ABRA?

9 A I was a bartender for 10 years.

10 Q Thank you. I'd like to direct your  
11 attention to September 13th of 2015. On this  
12 date were you working?

13 A Yes, I was.

14 Q Did you have the opportunity to visit  
15 Songbyrd?

16 A Yes.

17 Q What were the circumstances that led you  
18 to visit Songbyrd?

19 A The Adams Morgan Day Festival was going  
20 on and myself and a group of investigators were  
21 assigned to monitor the area of Adams Morgan, and  
22 we each were given a list of establishments to go

1 in and check and make sure they were in  
2 compliance with their ABC license.

3 Q And was Songbyrd on this list?

4 A Yes, the list that I had, yes.

5 Q Okay. On September 13th did you have the  
6 opportunity to perform an investigation of  
7 Songbyrd?

8 A Yes. I conducted a regulatory inspection  
9 while I was in the establishment.

10 Q Did this regulatory inspection result in  
11 any written report?

12 A Yes, it did.

13 Q What type of report?

14 A I did a report for no ABC manager present  
15 in the establishment while I visited.

16 Q What information does this type of report  
17 typically contain?

18 A It contains the establishments,  
19 information, and also contains the information  
20 that I put on the -- that I put in based on what  
21 the violation was that I --

22 Q And is this type of report completed in

1 the normal course of business?

2 A Yes, it is.

3 Q Okay. At this time I'd like to show you  
4 what's been marked as Government's Investigative  
5 Report. For the record the responded has stated  
6 that she also has a copy of this report. I'd be  
7 presenting this to you for identification.

8 Do you recognize this report?

9 A Yes, I do.

10 Q And could you turn to page 2 of the  
11 report? Whose signature is located on page 2 of  
12 the report?

13 A One signature is mine and the other is  
14 Chief Jackson's signature.

15 Q Is this a standard investigative report  
16 used by ABRA investigators?

17 A Yes, it is.

18 MS. STEWART: At this time the Government  
19 would like to introduce the investigative report  
20 into evidence.

21 CHAIRPERSON ANDERSON: Ms. Edmons, do  
22 you have any objection?

1 MS. EDMONSEN: I think so.

2 CHAIRPERSON ANDERSON: What's the basis  
3 of your objection?

4 MS. EDMONSEN: That report states that I  
5 was talking to -- or walked across the street to  
6 talk to a performer, which is incorrect.

7 CHAIRPERSON ANDERSON: Well you can, once  
8 you have -- once she's your witness --

9 MS. EDMONSEN: Okay.

10 CHAIRPERSON ANDERSON: -- you can  
11 question her regarding --

12 MS. EDMONSEN: All right.

13 CHAIRPERSON ANDERSON: -- the contents of  
14 the document.

15 MS. EDMONSEN: Then I have no objections.

16 THE ARBITRATOR: But okay, so it's so  
17 moved.

18 BY MS. STEWART:

19 Q I'd like to direct your attention back to  
20 the occasion you went and performed your  
21 investigation of Songbyrd. Approximately what  
22 time did you arrive at Songbyrd?

1           A     Approximately about 3:45 p.m.

2           Q     What did you do when you arrived at  
3 Songbyrd?

4           A     When I walked in the door there was a --  
5 there were two steps and like a podium, I  
6 believe, to the left. And there was a gentleman  
7 that appeared to be a security guard. I walked  
8 up to him, I introduced myself as an ABRA  
9 investigator and I asked him -- told him I needed  
10 to speak with the owner or ABC manager.

11           He directed me to the bar area and so I  
12 proceeded. The bar was on the right-hand side.  
13 I proceeded to the back bar area and spoke to a  
14 gentleman that appeared to be a bar tender, and  
15 identified myself again as an ABRA investigator  
16 and asked to speak to the owner and/or ABC  
17 manager.

18           Q     As you were walking to the bar did you  
19 notice anything else?

20           A     Yeah, I noticed patrons sitting at the  
21 bar with alcoholic beverages in front of them.

22           Q     How did you know they were alcoholic

1 beverages?

2 A From my previous years as a bartender. I  
3 could tell from the glassware that was on the  
4 bar, and the color of the beverages.

5 Q What type of glassware are we talking  
6 about?

7 A I believe a wine glasses and beer  
8 glasses.

9 Q So after you made it to the end of the  
10 bar to speak with who we presume to be a  
11 bartender, what did he say, or what did you say?

12 A I identified myself as an ABRA  
13 investigator. I asked him if the owner or ABC  
14 manager was there. He stated that the owner had  
15 stepped out and he would text her. I advised him  
16 that I was going to conduct a regulatory  
17 inspection and that I needed to see the  
18 certificate of occupancy and the ABC license.

19 Q Did he say anything in response to  
20 whether or not there was an ABC manager on duty?

21 A No, he said an ABC manager was not there  
22 and he said that the owner had stepped out and he

1 would text her.

2 Q So after he stated this, what did you do?

3 A I advised him I was going to conduct the  
4 regulatory inspection and I advised him of what  
5 documents I needed, and he directed me to an area  
6 right next to the bar where those documents were  
7 located.

8 Q And what documents were these?

9 A A certificate of occupancy and an ABC  
10 license.

11 Q After you were taken to the area with the  
12 certificate of occupancy and ABC license, what  
13 did you do next?

14 A I took those documents to the end of the  
15 bar and I started filling out the regulatory  
16 inspection form.

17 Q About how long did it take you to fill  
18 this form out?

19 A About 10 to 12 minutes.

20 Q Was any portion of this document  
21 prefilled?

22 A No, this particular document was a blank

1 regulatory inspection form and I had to plug in  
2 all the information from the certificate of  
3 occupancy as well as from the ABC license.

4 Q How long would you estimate that you were  
5 in the bar before you began to fill out the  
6 regulatory inspection form?

7 A At least five to seven minutes.

8 Q Okay. What portion of the regulatory  
9 form did you fill out first?

10 A I put the date and the time first.

11 Q And the time that you put, what time does  
12 that reflect?

13 A That reflected 3:48 p.m.

14 Q And what time was this? Was this the  
15 time you entered the bar or the time you began?

16 A This is the time I started the filling  
17 out the regulatory inspection form.

18 Q What happened after you completed the  
19 regulatory inspection form?

20 A When I completed the form I -- after I  
21 plugged all the information in I put the time  
22 that I completed it, which was 4:00 p.m. I was

1 going to ask the bartender for his license so I  
2 could put his information down as the person I  
3 spoke with. At that time the owner, Ms.  
4 Edmonsens, came in and identified herself as the  
5 owner, stated that she had walked across the  
6 street to -- something was going on with a  
7 performer she stated. And I advised her that  
8 during licensed hours of sales that an owner  
9 and/or ABC manager had to be, you know, on the  
10 premises or in the establishment.

11 Q What did she say after you said this?

12 A Well, after she explained where she was  
13 and I advised her of the violation, I asked her  
14 for her identification. She went and got her  
15 wallet, gave me her driver's license, and I put  
16 her information on the regulatory inspection  
17 where it says owner, put her driver's license and  
18 name, expiration date. And I had her sign the  
19 bottom of the regulatory inspection form.

20 Q After you showed her the regulatory  
21 inspection form did she state anything else?

22 A I don't recall her stating anything else.

1 Q Did you say anything else?

2 A I advised her that I would have to take  
3 this back to ABRA and talk to my supervisor, and  
4 that she would be getting -- she would be hearing  
5 back from ABRA on this incident.

6 Q After you said that what did you do next?

7 A And then I left.

8 Q Okay.

9 MS. STEWART: No further questions at  
10 this time.

11 CHAIRPERSON ANDERSON: Ms. Edmonsens, now  
12 it's your opportunity to -- you can ask her  
13 questions based on the questions that she had  
14 asked.

15 MS. EDMONSEN: Okay.

16 CHAIRPERSON ANDERSON: So, just if you  
17 have -- go ahead.

18 CROSS-EXAMINATION

19 BY MS. EDMONSEN:

20 Q So, you state that I said that I was  
21 going to see an artist across the street?

22 A If I recall you stated that you were

1 across the street. You had some performers that  
2 were across the street, and that is where you  
3 were.

4 Q Do you recall us talking about that you  
5 actually saw me talking to Homeland Security  
6 while I was across the street with the artists?

7 A No, I do not.

8 Q Do you do not recall the conversation  
9 that we had and the reason why you stated to me  
10 that you were not giving me an issuance of  
11 violation, as that I was actually talking to law  
12 enforcement across the street at the time which  
13 you came in?

14 A No, ma'am, I do not recall that  
15 conversation.

16 Q So you say that you filled out this  
17 entire form before I got back?

18 A Yes.

19 Q So did you fill out -- I know that my  
20 bartenders do not know this. You have on here  
21 information that only I could give you, such as  
22 the trash company, how many times a day it's

1 removed or how many intervals, what occupancy or  
2 what floors are used. Was that filled out then,  
3 in your statement, afterwards? I do remember you  
4 actually filling those out in front of me.

5 A The certificate of occupancy gave me the  
6 information about your floors. That was the two  
7 documents I asked the bartender that I needed.  
8 The certificate of occupancy and the ABC license.

9 Q So then --

10 A The trash company, I may have gotten that  
11 information from you when I filled in your  
12 driver's license information when you returned.

13 Q Yes. And you did this before you  
14 actually wrote the time out, not after. So I was  
15 with you before 4:00.

16 A No. The time out, I specifically  
17 remember, I put the time out when I completed  
18 everything other than your driver's license  
19 information because when you were not there, if  
20 you had in fact stepped outside and it was two or  
21 three minutes and you had come back in, then I  
22 still would have told you about the violation.

1 But if you were outside the door then it would  
2 have been a difference in time.

3 But I specifically remember putting the time  
4 at 4:00 p.m. because when they said you were not  
5 there I put the time so I would know for sure the  
6 time that I started the form and when I finished  
7 the form that an owner and/or ABC manager was not  
8 present.

9 Q So did you not explain to me that I was  
10 only getting a warning according to 23-DCMR-805?

11 A No, ma'am. I said I had to take this  
12 back to ABRA offices and talk with my supervisor  
13 and you would be hearing back from ABRA.

14 MS. EDMONSEN: I have no other questions.

15 CHAIRPERSON ANDERSON: Do you have any  
16 questions? Not your time yet. Do we have any  
17 questions by the Board of the witness? Yes, Ms.  
18 Miller?

19 MS. MILLER: I just wanted to ask you if  
20 you could confirm the time you think that the  
21 owner was gone from the establishment?

22 THE WITNESS: From the time I was in

1 there and completed this. It was at least 12  
2 minutes. And I might have been in there between  
3 five and seven minutes prior to starting the  
4 form. I spoke with a gentleman that appeared to  
5 be security who was near the front door. I spoke  
6 with him first and then I proceeded to the bar  
7 area and spoke with the person that appeared to  
8 be a bartender. And there were also two other  
9 employees back there at the bar also. So I had  
10 conversation with them as well.

11 MS. MILLER: Okay. Thank you.

12 CHAIRPERSON ANDERSON: Any other  
13 questions by any board members?

14 Now, do you have any questions based on  
15 the question that was asked?

16 MS. STEWART: And actually, I do.

17 CHAIRPERSON ANDERSON: See, I told you  
18 now, you have to wait your turn. All right.

19 MS. STEWART: Thank you. Thank you. I'm  
20 learning.

21 REDIRECT EXAMINATION

22 BY MS. STEWART:

1 Q When you spoke with the bartender and he  
2 said the owner wasn't present, what did he state?

3 A He said he would text her.

4 Q Did you see him text her?

5 A I don't recall. Someone got on their  
6 phone. I'm not sure if it was him or one of the  
7 other employees. Someone did get on the phone  
8 and text someone.

9 Q Do you believe that she returned once she  
10 was informed that you were present?

11 A I can't say for sure but I know I was  
12 told that they would text her.

13 Q Okay. Thank you.

14 MS. STEWART: No further questions.

15 CHAIRPERSON ANDERSON: Ms. Edmonsens, do  
16 you have any redirect off that specific -- it was  
17 the question that -- your question should be  
18 based on the question that Ms. Miller had  
19 requested of her. So if you want to clarify the  
20 answer and --

21 MS. EDMONSEN: No, I'm fine. Thanks.

22 CHAIRPERSON ANDERSON: No? All right.

1 Fine. Thank you. You can step down, ma'am.

2 Thank you.

3 Does the Government have any other  
4 witnesses? And does the Government rest?

5 MS. STEWART: The Government rests.

6 CHAIRPERSON ANDERSON: All right. Thank  
7 you.

8 Now, Ms. Edmonsens, now you have an  
9 opportunity to present your case. Do you have  
10 any witnesses?

11 MS. EDMONSEN: I do not.

12 CHAIRPERSON ANDERSON: So you're going to  
13 represent yourself and testify?

14 MS. EDMONSEN: Yes.

15 CHAIRPERSON ANDERSON: Well, then I will  
16 have you raise your right hand, please.

17 ALISHA EDMONSEN, SWORN

18 CHAIRPERSON ANDERSON: All right. Fine.  
19 So in presenting your case you can -- this is a  
20 little bit different but you can do an opening  
21 statement. So you can give an opening statement  
22 to state the nature of your case, and I guess you

1 can then give explanations about how you -- to  
2 rebut the evidence that the Government just put  
3 on.

4 MS. EDMONSEN: On 9/13 of 2015 I, manager  
5 on duty, left the premise after a Federal Officer  
6 of Homeland Security waved me down. We were  
7 sponsoring a music show across the street during  
8 Adams Morgan Day. I ran across the street after  
9 telling security that I needed to go there. I  
10 made an assessment that security would be better  
11 off being left there to card people than for me  
12 to send the security to talk to Homeland  
13 Security.

14 I was no more than 60 to 90 feet away at  
15 any time and had clear sight of my space. The  
16 show was being done directly across the street at  
17 SunTrust Plaza.

18 Homeland Security asked me to get my  
19 staff to clear everyone off of the top tier.  
20 They were worried that there would be people  
21 possibly falling. I don't know if you are  
22 familiar with the SunTrust Plaza, but there is a

1 lower level and then a top level.

2 I got my staff to clear the people that  
3 were watching the show and while holding my phone  
4 got a text and immediately made my way through  
5 the crowd, talked to my security officer, found  
6 the ABRA officer, and then talked to her. At  
7 that time she did acknowledge to me that she saw  
8 me across the street in plain sight the whole  
9 time.

10 I felt that having a law officer asking  
11 me to leave the premise was something that I  
12 couldn't deny, and that I left in plain sight, my  
13 place for as short a time as possible to resolve  
14 the issue.

15 Also, as I asked the ABRA officer, I was  
16 led to believe at that time that it was just a  
17 warning. We had discussed that. We had  
18 acknowledged that I was talking to an officer  
19 outside of my premise within plain sight of my  
20 space and that I just -- yeah.

21 I do remember talking to her about my  
22 trash and everything else while she was still

1 writing it.

2 CHAIRPERSON ANDERSON: That's your case?

3 MS. EDMONSEN: Yes.

4 CHAIRPERSON ANDERSON: Do you have -- in  
5 looking at the investigative history I see that  
6 you were cited previously in August. I'm sorry,  
7 August of -- hold on.

8 MS. EDMONSEN: No.

9 CHAIRPERSON ANDERSON: Oh, I'm sorry.  
10 This is the first one. I'm sorry. This is the  
11 first.

12 MS. EDMONSEN: Yeah, this is the first  
13 offense.

14 CHAIRPERSON ANDERSON: Oh, this is the  
15 first offense.

16 MS. EDMONSEN: And I actually didn't get  
17 cited until the 21st, so.

18 CHAIRPERSON ANDERSON: Oh, I'm sorry. I  
19 apologize.

20 MS. EDMONSEN: Well after the actual --

21 CHAIRPERSON ANDERSON: So this is the  
22 first offense.

1 MS. EDMONSEN: -- investigation.

2 CHAIRPERSON ANDERSON: All right. So do  
3 you have -- well, you know, I'm sorry. Before I  
4 start jumping in and asking questions, the  
5 government has an opportunity to ask questions  
6 first. I rarely ask questions so I apologize.  
7 Maybe I just get so excited today. I usually sit  
8 back and let the other board members ask  
9 questions. But today I felt like I just have to  
10 ask a question. So I do --

11 MS. STEWART: It's okay. Your questions  
12 give me more questions.

13 CHAIRPERSON ANDERSON: I do apologize.  
14 I'm sorry. Go ahead. You can ask. Yeah.

15 CROSS-EXAMINATION

16 BY MS. STEWART:

17 Q You stated that a Homeland Officer came  
18 to your establishment to speak with you?

19 A No, she waved from across the street.

20 Q So where were you when she waved you?

21 A I was on the patio talking to my staff,  
22 making sure that everything was okay outside.

1 Q So when you saw this person wave to you  
2 how did you know they were Homeland?

3 A They had a blue vest that had Homeland  
4 Security across it.

5 Q Oh, okay. So after you left what did she  
6 say to you?

7 A She told me that she felt that it was  
8 dangerous for people to be up on the top tier  
9 where the bands were and that she wanted me to  
10 help remove them from there. The band, at the  
11 time, was on the lower level and so people were  
12 taking advantage of the view.

13 Q And this was your band?

14 A This was a band that we were sponsoring  
15 for Adams Morgan Day.

16 Q Okay. Were you the only ABC manager on  
17 duty?

18 A Yes, I was.

19 Q Are you aware that a ABC manager must be  
20 on duty at all times that you're serving alcohol?

21 A Yes. I did not feel like I had an option.

22 Q But you said you had other staff helping

1 remove the band members.

2 A I had other staff that I pulled to do  
3 that. They weren't up there at the time.

4 Q Okay. Approximately how long were you  
5 pulling the band members off?

6 A I would say it took me about two minutes.

7 Q Two minutes.

8 A Uh-huh.

9 Q Okay. How would you reconcile the 10 to  
10 12 minutes it took her to fill out the portion of  
11 the form she filled out before you returned?

12 A I can attest the time. The time that I  
13 got the text, which was actually from my security  
14 guard first, so when she first identified  
15 herself. I got a secondary text two minutes  
16 later from my bartender asking me to come back,  
17 and I went across the street immediately. So  
18 it's literally across the street, about 30 feet,  
19 another 20 feet to get through the crowd. It  
20 probably took me no more than five minutes to get  
21 over there.

22 Q I believe I had one further question.

1 I'll double-check.

2 And you said that she stated that she was  
3 giving you a warning.

4 A Yes.

5 Q Is that correct? Okay.

6 MS. STEWART: Court's indulgence.

7 BY MS. STEWART:

8 Q Oh, was there another owner nearby or  
9 another ABC manager in the vicinity?

10 A On the street, yes, but not in my sight.

11 Q Did you know he was on the street when  
12 you left?

13 A When I left to go -- yes. I actually  
14 tried to communicate with him first before I  
15 chose to leave to help Homeland Security. He did  
16 not answer his phone.

17 Q Okay. So you left knowing that there was  
18 no one else to cover?

19 A Yes.

20 Q Okay.

21 MS. STEWART: No further questions.

22 CHAIRPERSON ANDERSON: Question I just

1 wanted to ask you. I guess, Ms. Edmonsens, you  
2 talked about this, you were asked to -- do you  
3 have any documents that you have to support your  
4 position?

5 MS. EDMONSEN: From Homeland Security?

6 CHAIRPERSON ANDERSON: I'm just saying,  
7 do you have any documents with you?

8 MS. EDMONSEN: I do not.

9 CHAIRPERSON ANDERSON: So you don't have  
10 any documents say, from Homeland Security to  
11 verify to say this is what was going on?

12 MS. EDMONSEN: At the time I didn't know  
13 I was going to get in trouble for talking to  
14 Homeland Security. I didn't ask for anything  
15 from them. I just tried to diffuse the situation  
16 and come back to my establishment as quickly as  
17 possible.

18 CHAIRPERSON ANDERSON: But I'm saying  
19 once you got back to the establishment you were  
20 told that you didn't have a -- there was no ABC  
21 manager on duty.

22 MS. EDMONSEN: Yeah.

1           CHAIRPERSON ANDERSON: Why then -- and  
2 you got a ticket for -- you got a citation for  
3 this. Why then not go to just get some  
4 verification or the name of the officer to say,  
5 this is what was going on?

6           MS. EDMONSEN: Because that would involve  
7 me leaving the space again and I learned my  
8 lesson.

9           MR. SILVERSTEIN: Please say again?

10          MS. EDMONSEN: Because that would involve  
11 me having to leave the space again and I still  
12 had no manager to allow me to do that.

13          CHAIRPERSON ANDERSON: But you said that  
14 you had another manager who was out in the crowd,  
15 so --

16          MS. EDMONSEN: Yeah, I could not ever get  
17 a hold of him. I didn't see him for another hour  
18 or so.

19          CHAIRPERSON ANDERSON: Now, you said that  
20 it was a short duration. By the time you got a  
21 text or a call, I mean, do you have a copy of  
22 this text message for us to provide to the Board

1 to say that okay --

2 MS. EDMONSEN: I can -- I've got a new  
3 phone since then. I'm not sure how long --

4 CHAIRPERSON ANDERSON: I'm just saying,  
5 if your position is that I was talking to  
6 Homeland Security so I think good evidence to  
7 support your case because that's all we have. At  
8 least all I'm hearing is your word and --

9 MS. EDMONSEN: In hindsight I should  
10 probably get my bartender and my security guard  
11 to give me their text message to me.

12 CHAIRPERSON ANDERSON: But you don't have  
13 -- because you're now stating that it wasn't as  
14 long as she stated that you were absent. But you  
15 don't have any document to provide to us to say -  
16 -

17 MS. EDMONSEN: I do not.

18 CHAIRPERSON ANDERSON: Any other  
19 questions by the Board Members? Yes, Ms. Miller?

20 MS. MILLER: You're not an attorney are  
21 you?

22 MS. EDMONSEN: No.

1 MS. MILLER: Have you ever participated  
2 in a hearing like this at ABRA or anywhere else?

3 MS. EDMONSEN: No.

4 MS. MILLER: And why did you decide to  
5 participate in this hearing?

6 MS. EDMONSEN: Because I feel like  
7 leaving my space to talk to any kind of law  
8 enforcement is something that I am obligated to  
9 do as a business owner if it has to do with my  
10 business. And my business partner said I could  
11 handle it on my own.

12 MS. MILLER: Okay. So I want to follow  
13 up a little bit on the Chairman's question about  
14 documentation.

15 MS. EDMONSEN: Yes.

16 MS. MILLER: Because I understand you  
17 don't have any experience in coming into these  
18 kind of hearings knowing perhaps what you should  
19 or should not bring. But I guess I'd ask you,  
20 did you say you think you do have a copy of the  
21 text on --

22 MS. EDMONSEN: I think I probably don't

1 because I got a new cell phone three months ago.

2 MS. MILLER: Oh. Oh, okay.

3 MS. EDMONSEN: But I know that my  
4 bartender that was on duty at the time does not  
5 have a new cell phone and that he probably would  
6 have a copy of the text. I could check this if  
7 you'd like.

8 MS. MILLER: Well, it might be too late.  
9 But okay, I thought if you had it here there  
10 might be some arrangement that could be made.  
11 Okay. So we have your testimony. That's  
12 evidence.

13 Did you -- well, how long has your  
14 establishment been in business?

15 MS. EDMONSEN: We opened -- we actually  
16 have a café next door that opened in May. But  
17 the bar side didn't open until July 1st of --

18 MS. MILLER: Oh, so you're recent?

19 MS. EDMONSEN: Yes.

20 MS. MILLER: And do you have any other  
21 violations?

22 MS. EDMONSEN: No.

1 MS. MILLER: Did you go to any training  
2 at ABRA?

3 MS. EDMONSEN: Yeah. I've been a bar  
4 manager in D.C. since 2009.

5 MS. MILLER: I'm sorry?

6 MS. EDMONSEN: I've been a bar manager in  
7 D.C. since 2009 and this is my second time having  
8 a manager's license.

9 MS. MILLER: So I just want to ask you  
10 though, about this requirement that an ABC  
11 manager be on duty at all times. Were you aware  
12 of that?

13 MS. EDMONSEN: Yes.

14 MS. MILLER: Okay. So it's your  
15 testimony that you thought if Homeland Security  
16 called you out that that was a valid reason?

17 MS. EDMONSEN: Yes.

18 MS. MILLER: Okay. Okay. Thank you.

19 CHAIRPERSON ANDERSON: Mr. Alberti.

20 MR. ALBERTI: All right, Ms. Edmonsens.

21 MS. EDMONSEN: Yes.

22 MR. ALBERTI: Okay. So you stated that

1 there was a band performing outside on the street  
2 at the plaza.

3 MS. EDMONSEN: Yes.

4 MR. ALBERTI: And you were sponsoring it.  
5 So kind of walk me through what that means.

6 MS. EDMONSEN: I don't know -- well, you  
7 probably do know. So Adams Morgan Day lasts --

8 MR. ALBERTI: We know a lot, so go ahead.

9 MS. EDMONSEN: So we helped get, and  
10 actually had on our insurance, a one-day use of  
11 the SunTrust Plaza. And then we helped procure  
12 seven bands and got sponsor funding. But the  
13 liability, the onus of the liability was on us to  
14 hold a secure event across the street, strictly  
15 on SunTrust Plaza.

16 And so we had seven bands. At the time  
17 of the incident the band -- all bands except for  
18 one were up on the top stage, and Batala, which  
19 is a pretty well-known very wonderful band,  
20 actually was on the ground and it kind of changed  
21 the format of that one show.

22 MR. ALBERTI: So when you say you had a

1 one-day use, one-day use from whom?

2 MS. EDMONSEN: From SunTrust Plaza. It's  
3 a private entity so we just got a one-day lease  
4 from them and covered their insurance through --

5 MR. ALBERTI: Okay. Covered their  
6 insurance to have the bands.

7 MS. EDMONSEN: Yes.

8 MR. ALBERTI: All right. All right. So  
9 this really wasn't an extension of your ABRA  
10 license, right?

11 MS. EDMONSEN: No, not at all.

12 MR. ALBERTI: There was no service out  
13 there. Is that what you're telling me?

14 MS. EDMONSEN: No, no, no service --

15 MR. ALBERTI: Okay.

16 MS. EDMONSEN: -- of alcohol was being  
17 served.

18 MR. ALBERTI: Okay. Great. What staff  
19 was out there? So you were superintending this -  
20 - you, as the owner of this business were  
21 responsible for superintending the use of that  
22 plaza. Is that correct?

1 MS. EDMONSEN: Yes.

2 MR. ALBERTI: Okay. So what staff did  
3 you have out there at the time?

4 MS. EDMONSEN: I had three, I guess you  
5 would say, roadies, a sound guy, and two of just  
6 my general staff, so my booking agent and my PR  
7 person that was just walking the perimeter.

8 MR. ALBERTI: And how were they  
9 identified?

10 MS. EDMONSEN: How were they identified?  
11 We just opened, we did not have t-shirts or any -  
12 - we had no identification.

13 MR. ALBERTI: Okay. Did Homeland  
14 Security know who they were?

15 MS. EDMONSEN: No.

16 MR. ALBERTI: How did they know who you  
17 were?

18 MS. EDMONSEN: They just were waving at  
19 the front of our façade. They were -- I don't  
20 think they were actually waving at any particular  
21 person. They were just doing this. The stage is  
22 right in front of our space.

1 MR. ALBERTI: Okay. So they assumed that  
2 you were responsible, I guess?

3 MS. EDMONSEN: They knew that we were.

4 MR. ALBERTI: Okay. So I'm still -- so,  
5 all this questioning to try to understand why you  
6 didn't -- how far away?

7 MS. EDMONSEN: So we are -- Songbyrd is  
8 directly across the street from the SunTrust  
9 Plaza, so it's the four lanes and then the plaza  
10 itself.

11 MR. ALBERTI: Okay.

12 MS. EDMONSEN: Well, two lanes and two  
13 parking.

14 MR. ALBERTI: So can you explain to me  
15 why you didn't try to engage the staff that was  
16 out there to talk to Homeland Security to find  
17 out what they wanted?

18 MS. EDMONSEN: I did. I did try calling  
19 my partner, who I also thought was out there, and  
20 I tried calling my sound guy and my band -- the  
21 promoter. None of them were answering their  
22 phones.

1           MR. ALBERTI: So what did you do when you  
2 got to Homeland Security?

3           MS. EDMONSEN: I asked them what was  
4 wrong. She told me that she was worried about  
5 people standing on the ledge and that I needed to  
6 get staff --

7           MR. SHORT: Speak up, please.

8           MS. EDMONSEN: Sorry. I have a cold. I  
9 was wearing a Songbyrd t-shirt. I want to make  
10 that clear. I actually --

11          MR. ALBERTI: If you speak into the  
12 microphone that will be helpful, yes.

13          MS. EDMONSEN: This microphone?

14          MR. ALBERTI: Yeah. There you go.

15          MS. EDMONSEN: I asked her what was  
16 wrong. She said that she was worried about  
17 people standing on the ledge and that I needed to  
18 control the crowd. So I looked around, found the  
19 staff that I could identify and see clearly that  
20 were near. I got them, I asked them to move the  
21 crowd back and to get them off of the ledge, and  
22 then that's when I got the text and ran back to

1 the space.

2 MR. ALBERTI: Did you participate in  
3 trying to move the crowd?

4 MS. EDMONSEN: No.

5 MR. ALBERTI: Did you participate in  
6 supervising your staff as they did it?

7 MS. EDMONSEN: No.

8 MR. ALBERTI: Why not?

9 MS. EDMONSEN: Because that's their job  
10 and I just wanted to get things rolling and then  
11 leave and go back to the space.

12 MR. ALBERTI: I have no further  
13 questions.

14 CHAIRPERSON ANDERSON: Mr. Short.

15 MR. SHORT: Good morning.

16 MS. EDMONSEN: Good morning.

17 MR. SHORT: The Homeland Security person

18 --

19 MS. EDMONSEN: Uh-huh.

20 MR. SHORT: -- you know, we have Federal  
21 and we have local. Were this someone from our  
22 local Homeland Security or was this a Federal

1 person?

2 MS. EDMONSEN: I did not ask. It was a  
3 very small, slight female in a blue jacket with  
4 yellow Homeland Security.

5 MR. SHORT: Okay. All right. Now,  
6 during the planning of this event were you  
7 planning and got permits to have this, how many  
8 staff did you have, how many to help you then, or  
9 how many staff did you put in your planning?

10 MS. EDMONSEN: For the --

11 MR. SHORT: For the event.

12 MS. EDMONSEN: For the event?

13 MR. SHORT: Inside of your restaurant --

14 MS. EDMONSEN: Inside of our restaurant.

15 MR. SHORT: -- and also across the street  
16 at the --

17 MS. EDMONSEN: I had two rotating  
18 security guards, two people outside on our small  
19 patio, two bartenders and one server. And then  
20 for my café I had two front of house and then I  
21 have a whole back of house kitchen staff.

22 MR. SHORT: Total number.

1 MS. EDMONSEN: Oh, gosh. Fifteen, maybe.

2 MR. SHORT: So you have 15 people. How  
3 many managers are employed by your establishment?

4 MS. EDMONSEN: I only have two managers  
5 employed by my establishment and I only had one  
6 at the time.

7 MR. SHORT: So you have a total of three.  
8 Is that what you're saying?

9 MS. EDMONSEN: Yes.

10 MR. SHORT: But for this big event you  
11 only had two.

12 MS. EDMONSEN: Yes. Actually, my  
13 manager, the other manager came in right when she  
14 left. He was doing the evening shift.

15 MR. SHORT: So you knew this was going to  
16 be a big event with a big crowd, you had a band  
17 across the street, you only had two managers.  
18 You know the responsibility. You say you know  
19 the responsibilities of an ABC manager, correct?

20 MS. EDMONSEN: Yes.

21 MR. SHORT: Where did you learn those  
22 responsibilities?

1 MS. EDMONSEN: From taking an ABRA  
2 course.

3 MR. SHORT: Okay. So you're standing in  
4 front of your place and you see someone waving.

5 MS. EDMONSEN: Uh-huh.

6 MR. SHORT: And you knew they were waving  
7 for you?

8 MS. EDMONSEN: Yes.

9 MR. SHORT: How did you know that?

10 MS. EDMONSEN: Well, she was waving at  
11 Songbyrd. I could see the Homeland Security.  
12 It's not that far away.

13 MR. SHORT: How many other people -- how  
14 many other people were standing out the -- were  
15 you the only one in front of the whole --

16 MS. EDMONSEN: No, there's staff outside  
17 the whole time.

18 MR. SHORT: So how were you picked out  
19 over all the others?

20 MS. EDMONSEN: I wasn't. She was just  
21 waving at our establishment. But I didn't feel  
22 that I could send one of my younger like -- so

1 the people outside were a 19-year-old that works  
2 in my café that was just helping clean up. I'm  
3 not going to send a very young person over to  
4 deal with Homeland security. I felt that it was  
5 our liability and our business that I needed to -  
6 -

7 MR. SHORT: I'm glad you mentioned  
8 liability and responsibility. You mentioned  
9 liability, but also with liability comes  
10 responsibility. So an ABC manager has a lot of  
11 responsibility, correct?

12 MS. EDMONSEN: Yes.

13 MR. SHORT: You had all this planning,  
14 you knew -- how big a crowd was it when you went  
15 across the street?

16 MS. EDMONSEN: 100 people.

17 MR. SHORT: So 100 people were on the  
18 ledges, 100 people in the street, 100 people in  
19 front of your place. This is a festival so I  
20 would imagine the street was pretty crowded.

21 MS. EDMONSEN: No. No, no, no. We made  
22 efforts to block off, so you couldn't actually go

1 on to the sidewalk or the street from SunTrust  
2 Plaza. We put tables out. So the music part was  
3 contained within the SunTrust Plaza. We made  
4 sure of that for safety of the crowd. And then  
5 our establishment, again, is across the street.  
6 So they weren't really connected, it was just me  
7 looking after it and making sure that everything  
8 was all right over there.

9 MR. SHORT: This is a hypothetical.

10 MS. EDMONSEN: Yes.

11 MR. SHORT: Suppose someone had sold  
12 alcohol to someone who wasn't supposed to have  
13 alcohol, suppose some minor got served, suppose  
14 something had gone amiss when you went across the  
15 street because someone was waving at you.

16 MS. EDMONSEN: Yes.

17 MR. SHORT: Who would have been  
18 responsible?

19 MS. EDMONSEN: Well, that's why I chose  
20 to leave my security guard there instead of  
21 sending him out to Homeland Security, to make  
22 sure that everyone that came into the

1 establishment was carded.

2 MR. SHORT: But your security person --

3 MS. EDMONSEN: Wouldn't be any under --

4 MR. SHORT: Your security person didn't  
5 have the same responsibilities that you have for  
6 your business. Is that correct?

7 MS. EDMONSEN: Sure.

8 MR. SHORT: You think about that before  
9 you went across the street?

10 MS. EDMONSEN: It was a very quick  
11 decision to let my security guard continue  
12 carding people and to me run across the street to  
13 Homeland Security.

14 MR. SHORT: Would you consider that a  
15 very good decision, or a bad decision? Or how  
16 would you grade that decision?

17 MS. EDMONSEN: In hindsight I would have  
18 probably hired someone that had a manager's  
19 license to also assist me that day.

20 MR. SHORT: Okay. Repeat that again. I  
21 could barely hear you.

22 MS. EDMONSEN: In hindsight I would have

1 had -- hired more people with manager's license  
2 but I did feel like going across the street to  
3 law -- when a law enforcement is waving down  
4 something that I'm liable for was my  
5 responsibility.

6 MR. SHORT: Okay. And not to beat a dead  
7 horse, but you knew you were having a big event  
8 on this day, you knew you had a band across the  
9 street, but you only had two ABC managers and one  
10 you couldn't get in contact with no kind of way,  
11 and one you let off.

12 No further questions, Mr. Chair.

13 CHAIRPERSON ANDERSON: Do you have a  
14 question? You have a question, Mr. Silverstein?

15 MR. SILVERSTEIN: No, I do not.

16 CHAIRPERSON ANDERSON: Do you have any --  
17 well, I guess, do you think that it's -- based on  
18 the questions that were asked, normally I would  
19 say, do you have any questions to ask, but do you  
20 need to clarify the answers you gave based on the  
21 questions that were asked?

22 MS. EDMONSEN: I don't think I have any

1 more ability to ask any better questions or  
2 answer anything better than I already have.

3 CHAIRPERSON ANDERSON: Well, I'm not  
4 asking --

5 MS. EDMONSEN: Yes.

6 CHAIRPERSON ANDERSON: I'm just saying,  
7 if you believe that you need to clarify the  
8 answers. And, Ms. Stewart.

9 MS. STEWART: Yes.

10 CHAIRPERSON ANDERSON: Do you have any  
11 questions --

12 MS. STEWART: I do have one.

13 CHAIRPERSON ANDERSON: -- based on the  
14 questions that the Board asked?

15 MS. STEWART: I do have one follow-up  
16 question.

17 RECROSS EXAMINATION

18 BY MS. STEWART:

19 Q Board Member Ms. Miller asked you if you  
20 had spoken with someone about whether or not to  
21 go to Homeland Security, and initially said you  
22 couldn't reach any of your partners. But in one

1 of your responses you said your business partner  
2 said you could handle it on your own. So I'm  
3 wondering when you spoke to your business  
4 partner.

5 A No, I'm talking about today.

6 Q Handle this issue --

7 A Yes.

8 Q -- on your own. Okay. No further  
9 questions.

10 CHAIRPERSON ANDERSON: Do you have any  
11 further evidence or testimony you need to add?

12 MS. EDMONSEN: No, I mean, I just, I feel  
13 as though, you know, she came in on the 13th,  
14 gave me a warning --

15 CHAIRPERSON ANDERSON: You can -- well,  
16 I'm going to give you -- also give you an  
17 opportunity to do a closing.

18 MS. EDMONSEN: Okay. Okay.

19 CHAIRPERSON ANDERSON: But I'm just  
20 saying, do you have any, as you were cross-  
21 examined and questioned yourself, do you have any  
22 further evidence then that you need to add?

1 MS. EDMONSEN: No.

2 CHAIRPERSON ANDERSON: Then I'm going to  
3 give you an opportunity to --

4 MS. EDMONSEN: Okay.

5 CHAIRPERSON ANDERSON: -- wrap up your  
6 case and state that. So, the government goes  
7 first to give her closing argument.

8 CLOSING STATEMENT ON BEHALF OF THE GOVERNMENT

9 MS. STEWART: Okay. The testimony today  
10 has made it clear that at the end of the day she  
11 left her establishment knowing that there was no  
12 ABC manager on duty. While the establishment is  
13 fairly new she testified that she's been an ABC  
14 manager since 2009. So that's roughly six, seven  
15 years of ABC manager experience. So she knew,  
16 she knew that she was not supposed to leave this  
17 establishment while people were drinking alcohol.

18 She then testified that the Homeland  
19 Security officer was outside waving to someone,  
20 anyone, on the patio, making it pretty clear that  
21 it wasn't necessary for her to go. So it's a  
22 little bit confusing for the Government's side

1 that if a Homeland Security is waving to  
2 generally anyone to come help with something that  
3 you -- you would leave your establishment knowing  
4 that you were the only ABC manager on duty during  
5 a pretty popular festival where anyone could have  
6 walked into your establishment and done God knows  
7 what.

8           Additionally, if Homeland Security waves  
9 you down, we want to know how long she thought it  
10 was going to take. Granted her testimony is that  
11 it took two minutes. But possibly, I mean, if  
12 Homeland Security is flagging you down, that  
13 could be a conversation that lasts for hours.  
14 How long was she planning on going?

15           We also heard testimony that presumably  
16 but for the text message from the bartender after  
17 speaking to Investigator Cullings, that she may  
18 have continued to stay out there. She also  
19 stated that she had staff members helping her  
20 bring the band member -- bringing the band  
21 members down. And it's still not clear why these  
22 staff members couldn't have been the ones to

1 additionally help the Homeland Security officer.

2           It's also to be noted that the  
3 investigative report and the regulatory  
4 inspection report was filled out  
5 contemporaneously to this incident. I think it's  
6 strange that Investigator Cullings wouldn't have  
7 mentioned anything about a Homeland Security  
8 officer or anything of that nature. Further,  
9 while the respondent says that it was only two  
10 minutes, we have a contemporaneous report that  
11 says it was at least 10 to 12 minutes. And we  
12 know that she returned because she received a  
13 text message.

14           So arguably she could have been willing  
15 to be gone from the establishment for 30 minutes,  
16 say an hour. The point is if she's been an ABC  
17 manager since 2009 she left the establishment  
18 knowing that she was the only ABC manager on  
19 duty. She wasn't able to contact her other  
20 partner, and it was to leave to do something that  
21 someone else could have done since she was not  
22 specifically flagged. Thank you.

1           CHAIRPERSON ANDERSON: Yes. It's your  
2 opportunity to wrap up your case now.

3           CLOSING STATEMENT ON BEHALF OF THE LICENSEE

4           MS. EDMONSEN: Yes. So I left because  
5 that was the only option that I had in my belief.  
6 I cannot let staff go and deal with something  
7 that I had the liability for. I left for less  
8 than 10 minutes. There is no more proof that  
9 this time frame that the ABRA inspector is saying  
10 is true than mine. It was less than five  
11 minutes. I could, you know, I should have  
12 brought text message proof of that.

13           I left across the street. I did not help  
14 bring the people down. I just found the staff to  
15 do it after finding out from the Homeland  
16 Security officer what their concern was. I  
17 immediately came back as the ABRA officer  
18 contests, we did speak. So it wasn't as though  
19 she had written up the letter and left. I came  
20 back immediately, we spoke. I signed for what  
21 was believed as a warning. I did everything that  
22 in all my years of training I believed to be

1 true, if an officer of any kind of law tells me  
2 that they need me, albeit not in plain words to  
3 me, but if it's my business and an officer is  
4 flagging my business down I do think that it's  
5 reasonable that I be able to respond to that.

6           And I didn't leave my establishment for  
7 anybody to come or to drink or have anything  
8 happen. I did leave it with security at the  
9 front door, checking all IDs. There was less  
10 than 20 people in the bar. So I think that one  
11 security and a handful of staff would have safely  
12 ensured all patrons and made sure that no  
13 underage drinking or anything of that sort.

14           I made a judgment call that leaving my  
15 security and my staff in their place and leaving  
16 for one to five minutes to make sure that I  
17 understood what Homeland Security needed from me  
18 and to secure my staff to execute that and to  
19 immediately come back was the only option that I  
20 had given that I am the business owner for my  
21 establishment and the person holding the  
22 liability on the event.

1           CHAIRPERSON ANDERSON: Thank you. All  
2 right. Thank you both for your presentation. Do  
3 the parties wish to file proposed findings of  
4 fact and conclusions of law, or waive their right  
5 to do so?

6           MS. PHILLIPS: The Government waives.

7           CHAIRPERSON ANDERSON: Do you want to  
8 write something to close, or do you just want to  
9 close the record on what was --

10          MS. EDMONSEN: Close the record.

11          CHAIRPERSON ANDERSON: -- presented  
12 today?

13          Okay. All right. The Board will issue a  
14 decision in 90 days. And I would just want to  
15 read something. Hold on. Hold on.

16          All right. As Chairperson of the  
17 Alcoholic Beverage Control Board for the District  
18 of Columbia and in accordance with Section 405 of  
19 the Open Meetings Amendment Act of 2010, I move  
20 that the ABC Board hold a closed meeting for the  
21 purpose of seeking legal advice from our counsel  
22 on Case No. 15-CMP-00599, Songbyrd, per Section

1 405(b)(4) of the Open Meetings Amendment Act of  
2 2010, and deliberating upon Case No. 15-CMP-  
3 00599, Songbyrd, for the reasons cited in Section  
4 405(b)(13) of the Open Meetings Amendment Act of  
5 2010. Is there a second?

6 MR. ALBERTI: Second.

7 CHAIRPERSON ANDERSON: Mr. Alberti has  
8 seconded the motion.

9 I'll now take a roll call vote on the  
10 motion before us now that it has been seconded.

11 [Roll call vote taken.]

12 CHAIRPERSON ANDERSON: The motion is  
13 passed five, nothing. As it appears that the  
14 motion has passed I hereby give notice that the  
15 ABC Board will hold a closed meeting in the ABC  
16 Board conference room pursuant to the Open  
17 Meetings Amendment Act of 2010 and issue an order  
18 within 90 days.

19 Thank you. We are in recess. So we'll  
20 issue a decision in 90 days. All right?

21 MS. EDMONSEN: Okay. Thank you.

22 MS. STEWART: Thank you.

1                   CHAIRPERSON ANDERSON: But probably  
2 quicker. All right. Thank you.

3                   [Whereupon, the above-entitled matter  
4 concluded.]

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